

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD HUSTON,

PLAINTIFF,

v.

PAULETTA IRWIN, et al.,

DEFENDANTS.

Case No. CV 15-7344 R (SS)

**ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On September 18, 2015, Defendant Pauletta Irwin, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, this action could not have been originally
2 filed in federal court because the complaint does not competently
3 allege facts supporting either diversity or federal-question
4 jurisdiction, and therefore removal is improper. 28 U.S.C.
5 § 1441(a), see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545
6 U.S. 546, 563 (2005). Defendant's notice of removal only asserts
7 that removal is proper based upon federal question jurisdiction.
8 (Notice at 2). However, the underlying unlawful detainer action
9 does not raise any federal legal question.

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11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
12 to the Superior Court of California, County Of Los Angeles, 6230
13 Symar Avenue, Van Nuys, CA 91401, for lack of subject matter
14 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk
15 send a certified copy of this Order to the state court; and
16 (3) that the Clerk serve copies of this Order on the parties.

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18 IT IS SO ORDERED.

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20 DATED: October 1, 2015

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MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

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